

Att'y Dkt. No. US-1260

U.S. App. No.: 09/466,935

**REMARKS**

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

The above amendments are fully supported by the specification and therefore do not constitute new matter. More specifically, support can be found throughout the specification and original claims. These amendments should be entered because all the outstanding rejections are overcome, raises no new issues, requires no further search or consideration, and cancels more claims than are added herein.

The method claims 49-70 have been amended to coincide with the product claims. Applicants respectfully request rejoinder of these method claims upon allowance of the product claims, in accordance with M.P.E.P. §821.04.

***Summary of Interview Held January 24, 2005***

Applicant's representative greatly appreciates the Examiner's helpful comments provided at the interview held January 24, 2005. As required by 37 C.F.R. §1.133(b), the discussion at the interview centered on possible proposed claim amendments and overcoming the outstanding rejections. Although different claim amendments are presented herein, the discussion was helpful.

***The rejection of claims 17 and 37-48 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph***

In paragraph 9 of the Official Action, claims 17 and 37-48 were rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph as allegedly being indefinite for recitation of "an activity of making a bacterium having the protein L-threonine resistant", "an activity of a protein which makes the bacterium harboring the protein L-threonine resistant," or "an activity of a protein which makes the bacterium harboring the protein L-homoserine resistant."

Although applicants still do not agree with the Examiner's assertion, to expedite prosecution, claim 17 has been deleted, and this language has been deleted from the

remaining claims to expedite prosecution.

Applicants assert the claims are clear and defined, and therefore, respectfully request that this rejection be withdrawn.

***The rejection of claims 39, 42, 45, and 48 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph***

In paragraph 11 of the Official Action, claims 39, 42, 45, and 48 were rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph as allegedly being indefinite for recitation of "functions efficiently". Although applicants do not agree with the Examiner's assertion, to expedite prosecution, these claims have been canceled without prejudice to pursue the subject matter thereof in a future application.

Applicants respectfully request that this rejection be withdrawn.

***The rejection of claims 37-48 under 35 U.S.C. §112, 1<sup>st</sup> paragraph (written description)***

In paragraph 13 of the Official Action, the Examiner rejected claims 37-48 under 35 U.S.C. §112, 1<sup>st</sup> paragraph for allegedly failing to comply with the written description requirement. Although applicants do not agree with the Examiner's assertion, to expedite prosecution, these claims have been amended without prejudice to pursue the subject matter thereof in a future application. The amended claims recite the exemplified species, and therefore, are fully described in the specification.

Applicants respectfully request that this rejection be withdrawn.

***The rejection of claims 17 and 37-48 under 35 U.S.C. §112, 1<sup>st</sup> paragraph (enablement)***

In paragraph 16 of the Official Action, the Examiner rejected claims 17 and 37-48 under 35 U.S.C. §112, 1<sup>st</sup> paragraph for allegedly failing to comply with the enablement requirement. The Examiner alleges that the specification does not reasonably provide enablement for all DNAs as recited in the claims and all modified bacteria as encompassed by claims 37-48.

Although applicants do not agree with the Examiner's assertion, to expedite prosecution, claim 17 has been canceled, and claims 37-48 have been amended without prejudice to pursue the subject matter thereof in a future application. The claims have been amended to recite the specific species exemplified in the specification.

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For these reasons, applicants assert the claims are enabled by the specification, and therefore, respectfully request that this rejection be withdrawn.

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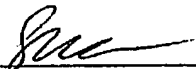
**REMARKS**

Favorable consideration, examination, and allowance of the present patent application are respectfully requested. Applicants respectfully submit that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If the Examiner Steadman believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, they are invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the undersigned authorizes the necessary charges to our deposit account 50-3077.

Respectfully submitted,

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